

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

11 RICHARD A. CONNORS, ) Civil No. 08cv1134-L(LSP)  
12 Plaintiff, ) **ORDER GRANTING ASC'S  
13 v. ) REQUEST FOR CONTINUANCE OF  
14 HOME LOAN CORP. dba EXPANDED ) PRELIMINARY INJUNCTION  
MORTGAGE CREDIT, *et al.* ) DATE AND BRIEFING SCHEDULE  
15 Defendants. ) [doc. #21] and TO SHOW CAUSE  
16 ) WHY SANCTIONS SHOULD NOT  
BE IMPOSED**

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17 The Court granted plaintiff's application for a temporary restraining order on July 2, 2008  
18 [doc. #7] at which time a hearing on a preliminary injunction was set for July 15, 2008. The  
19 initial preliminary injunction hearing was continued because there was an insufficient showing  
20 that the defendants had been served with the summons, amended complaint and motion for  
21 preliminary injunction. A subsequent hearing on plaintiff's motion for preliminary injunction  
22 was held on July 18, 2008 and again there remained issues concerning service of process on all  
23 defendants of all the documents filed by plaintiff. As a result, the Court extended the temporary  
24 restraining order entered on July 2, 2008 and ordered plaintiff to:

25 effectuate service of process on defendant ASC not later than Friday, July 25,  
26 Plaintiff shall also file a declaration setting forth the documents that have  
been served on each of the defendants and the manner of service used not later  
than Friday, July 25, 2008 . . . .

27  
28 (Order filed July 18, 2008 [doc. #19].) To date, plaintiff has not filed a declaration as ordered.

Defendant America's Servicing Company timely filed a preliminary opposition to the motion for a preliminary injunction that seeks a two week continuance of the scheduled hearing on the preliminary injunction. Counsel indicates that he received a copy of the first amended complaint on July 24, 2008 but has been unable "to verify whether Plaintiff properly served ASC with the FAC or the date on which Plaintiff did so." (Preliminary opposition at 2.)

Good cause appearing, **IT IS HEREBY ORDERED:**

1. ASC's request for a continuance of the preliminary injunction hearing is **GRANTED**. The preliminary injunction hearing is continued to **Friday, August 22, 2008 at 9:30 a.m. in Courtroom 14**. ASC and any other defendant that has been served with the summons and first amended complaint and intends to oppose the preliminary injunction shall file an opposition no later than August 20, 2008 at noon.
  2. Plaintiff's counsel shall show good cause why she should not be sanctioned for her failure to comply with the Court's July 18, 2008 Order. Counsel shall file a statement of cause not later than August 8, 2008.

## IT IS SO ORDERED.

DATED: August 4, 2008

*M. James Lorenz*  
M. James Lorenz  
United States District Court Judge

**COPY TO:**

HON. LEO S. PAPAS  
UNITED STATES MAGISTRATE JUDGE

ALL PARTIES/COUNSEL